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|---|--|--|---------------------------------------|------------------------------|-----------------------------|
| Milwaukee County Department of<br>Health and Human Services<br>Delinquency and Court Services<br>Division<br><br><b>Policy &amp; Procedure</b>  | Date Issued:<br><br><b>06/01/2014</b>    | Reviewed:<br><b>04/28/2014</b><br>By: <b>MG/TW</b><br>Last Revision: | Section:<br><br><b>ADMINISTRATION</b> | Policy No:<br><br><b>033</b> | Pages:<br><br><b>1 of 5</b> |
| <input checked="" type="checkbox"/> Delinquency and Court<br>Services Division<br><br><input checked="" type="checkbox"/> Children's Court Services<br>Network<br><br><input checked="" type="checkbox"/> Purchase of Service<br>Agencies | Effective Date:<br><br><b>06/01/2014</b> | Subject:<br><br><b>72 Hour Hold Policy</b>                           |                                       |                              |                             |

## I. POLICY

It is the policy of Delinquency and Court Services Division (DCSD) that a 72 hour hold be placed on a youth in either the Focus program or Milwaukee County Accountability Program (MCAP) to offer protection to the community and to allow time to investigate the current concern/issue or allegation concerning a youth.

## II. DEFINITION

**72 hour hold should only be used in the following situations:**

- A. When a youth is dangerous to others: this applies when a youth demonstrates a substantial probability of physical harm to other individuals as manifested by evidence of violent behavior, or by evidence that others are placed in reasonable fear of violent behavior and serious physical harm to them, as substantiated by a recent overt act, attempt or threats of serious physical harm. Youth that instigated a physical altercation that result in injury to another should be placed on a 72 hour hold.
- B. If a youth returns to the facility and the youth has an illegal drug in his possession or a weapon. The Milwaukee County Sheriff's Department should be called immediately to verify illegal drug possession and/or confiscate weapon. A 72 hour hold should occur to allow for the Human Service Worker (HSW) and Wraparound Milwaukee Care Coordinator time to investigate the concern. A team meeting should be scheduled within 24 hours to address the concern and to determine what the underlining needs of the youth is.
- C. If a youth does not return from a pass at the time designated the following steps should be taken before a 72 hour hold is issued: The agency or Human Service Worker should call and talk with a parent or guardian. If the agency or Human Service Worker is unable to talk with a parent/guardian and the youth has not returned within *three* hours of the time the youth needed to be back at the facility then a Apprehension Request should be issued. If the youth is found at home or does return to the facility/agency within the *three* hours then a team meeting should occur within 24 hours to address the issue and to determine what graduated responses should occur. If the youth returns to the facility/agency *after the three* hours then a 72 hour hold should be done to allow time to investigate the situation.
- D. Human Service Workers will respond in a timely basis to problems/issues reported by the youth, family, school, other professionals, law enforcement, etc. Human Service Workers will utilize the 72 hour hold as needed to attempt to bring the youth's behavior into compliance; this request will

need to be staffed and approved by the Human Service Supervisor and accompanied by incident reports.

### III. PROCEDURE

**Once it has been determined that a 72 hour hold needs to be utilized according to the situations above the following steps should occur:**

Each youth when placed on supervision has the following forms filled out and placed in the case file at the time of Disposition. The Human Service Worker will fill out the form; *Acknowledgment of Dispositional Conditions and Sanctions (Delinquency/JIPS)*-(see attachment A). A copy of this form will be given to the FOCUS unit.

- A. The first document that needs to be filled out by the Human Service Worker or FOCUS Supervisor is the *Short Term Detention* (see attachment B).
- B. The second document, *Request for Short Term Detention-Milwaukee County Delinquency and Court Services* (see attachment C). This document needs to be signed by the Human Service Worker Supervisor and Section Manager. If a 72 hour hold occurs after hours, weekends or holidays then the form will need to be faxed and signed by the Juvenile Correctional Officer Supervisor (JCOS) in the Detention Center.
- C. Once both documents are filled out completely and signed by the appropriate people, copies of the two documents need to be taken down to the Detention Center and given to the JCOS on duty.
- D. When the JCOS in Detention has both documents, a phone call to the facility/agency can be made so that the youth can be transported to the Detention Center for the 72 hour hold.

**After the youth is placed in the Detention Center for the 72 hour hold the HSW must provide the Judge (Check-In Clerk) of record, Public Defenders Office, and the District Attorneys Office with a copy of attachment C-Request for Short Term Detention-Milwaukee County Delinquency and Court Services, along with any additional documentation regarding the reason for the 72 hour hold. The information must be given to all parties as soon as practical, but no later than 24 hours (excluding holidays and weekends), of the youth entering the Detention Center.**

Reviewed & Approved By: B. Thomas Wanta

**B. Thomas Wanta, Division Administrator**

STATE OF WISCONSIN, CIRCUIT COURT, \_\_\_\_\_ COUNTY *For Official Use*

IN THE INTEREST OF

**Acknowledgement of  
Dispositional  
Conditions and Sanctions  
(Delinquency/JIPS)**

\_\_\_\_\_  
Name\_\_\_\_\_  
Case No.\_\_\_\_\_  
Date of Birth

1. I am the juvenile. The court has imposed a dispositional order in this case.
2. I ☐ have read ☐ have had read to me the conditions of that dispositional order.
3. I understand the conditions of the order I must obey.
4. I understand that if I violate that order, the court could order one or more of the following sanctions:
  - Place me in a juvenile detention facility or the juvenile portion of a county jail for up to ten days with educational services. *(delinquency only)*
  - Place me in a nonsecure custody for up to ten days with educational services.
  - Suspend or limit the use of my operating privilege (driver's license) or any Department of Natural Resources approval for a period of up to three years.
  - Detain me in my home or current residence for up to 30 days under rules of supervision, including electronic monitoring.
  - Perform up to 25 hours without pay in a supervised work program or other community service.
5. I understand that if my caseworker is investigating whether I violated the order, my caseworker may, without a hearing, place me for up to 72 hours in:
  - A juvenile detention facility. *(delinquency only)*
  - The juvenile portion of a county jail. *(delinquency only)*
  - Nonsecure custody.
6. I understand that if I violate the order or my after care status, my caseworker may, without a hearing place me for
  - A juvenile detention facility. *(delinquency only)*
  - The juvenile portion of a county jail. *(delinquency only)*
  - Nonsecure custody.

\_\_\_\_\_  
Signature of Caseworker\_\_\_\_\_  
Signature of Juvenile\_\_\_\_\_  
Name Printed or Typed\_\_\_\_\_  
Name Printed or Typed\_\_\_\_\_  
Date\_\_\_\_\_  
Date

## Distribution:

1. Original - Juvenile Clerk
2. Caseworker
3. Juvenile/Juvenile's attorney
4. Juvenile's parents

STATE OF WISCONSIN, CIRCUIT COURT, \_\_\_\_\_ COUNTY *For Official Use*

IN THE INTEREST OF

**Short Term Detention -**

Name \_\_\_\_\_

☐ Pending Investigation  
☐ As a Consequence

Date of Birth \_\_\_\_\_

Case No. \_\_\_\_\_

1. The juvenile is subject to a current dispositional order having been adjudicated: ☐ delinquent ☐ JIPS for \_\_\_\_\_
  2. The dispositional conditions and possible sanctions, and the authority to take the juvenile into custody and hold without a hearing for up to 72 hours:
    - ☐ were explained to the juvenile by the court at the dispositional hearing.
    - ☐ were acknowledged in writing by the juvenile.
  3. I believe the juvenile:
    - ☐ may have violated one or more of the terms of the dispositional order and should be taken into custody while the alleged violation and the appropriateness of a sanction is being investigated.
    - ☐ has violated a condition of the dispositional order.
    - ☐ is on aftercare and may have violated a condition of the aftercare status and should be taken into custody while the alleged violation and the appropriateness of revoking the juvenile's aftercare status is being investigated.
    - ☐ has violated a condition of the aftercare order.
  4. The juvenile being held as a consequence has been advised that he or she has the right to make a written or oral statement concerning the possible placement.
    - ☐ The juvenile has declined to make a statement.
    - ☐ The juvenile's statement is attached.
  5. The juvenile is being taken into custody and held as follows:
    - ☐ in juvenile detention (delinquency only) at \_\_\_\_\_
    - ☐ in the juvenile portion of the county jail (delinquency only) at \_\_\_\_\_
    - ☐ in non-secure custody (delinquency or JIPS) at \_\_\_\_\_
  6. Transportation to the facility shall be provided by \_\_\_\_\_  
Return transportation shall be provided by \_\_\_\_\_
  7. The juvenile was taken into custody on \_\_\_\_\_ at \_\_\_\_\_ ☐ a.m. ☐ p.m.  
Date Time
- and the juvenile must be released 72 hours after this date and time unless the court conducts a hearing and orders the hold continued.

Distribution:

1. Original - Court
2. Case Worker
3. Facility
4. Facility Transporter

Signature \_\_\_\_\_

Name Printed or Typed \_\_\_\_\_

Date \_\_\_\_\_

|                 |         |               |
|-----------------|---------|---------------|
| JUVENILE'S NAME |         | DATE OF BIRTH |
| JUVENILE ID     | PROGRAM | CCAP NUMBER   |

Human Service Worker Date